

The City of Fairfax

Office of the City Manager



September 30, 2011

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Reply Comments of the City of Fairfax, Virginia
WC Docket No. 11-59
Acceleration of Broadband Deployment: Expanding the Reach and Reducing the
Cost of Broadband Deployment by Improving Policies Regarding Public Rights-
of-Way and Wireless Facilities Siting

Dear Ms. Dortch:

I am writing on behalf of the City of Fairfax, Virginia (the "City"), in response to comments submitted by PCIA on July 18, 2011 regarding the Commission's Notice of Inquiry ("NOI") released on April 7, 2011.

The City categorically denies the entirety of the allegations made in PCIA's filing with respect to the City, which read in their entirety as follows:

"City has stated that it does not want any more cell sites, and one of the main strategies it uses to delay and thwart applications is to provide applicants with a long list of alternative sites and requiring proof as to why each of those sites is not a valid alternative. To make matters worse, these lists almost always contain elementary school properties, and these school officials have repeatedly told AT&T that they will not permit a cell site to be place (sic) on school property."

First, the above assertions are without factual basis and demonstrate a lack of familiarity with the City's land use and permitting process. The City has never informed any telecommunications provider that further cell sites are not welcome. The City also does not employ "strategies to delay and thwart applications." What is the case, however, is that the City looks to telecommunications providers to work with the City in attempting to locate, construct and install their facilities in recognition of the fact that the City is a jurisdiction comprising only approximately six square miles and densely populated. Collocation of facilities where possible,

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ensuring compatibility with surrounding land uses, and minimization of potential interference with other facilities are all goals of the City process. An examination of the City's record will clearly show that far from discouraging telecommunications providers, the City actively works with any and all potential applicants who approach the City. It is interesting that nowhere in PCIA's comments is it noted that applicants frequently submit incomplete applications – the fact that it takes time for a municipality such as the City to work through application or supporting data deficiencies with the applicant is not an indication of delay or obstruction by a municipality.

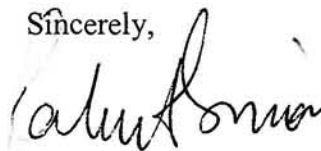
Second, the City is unaware of any recent AT&T application for a cell site within the City that was denied (or even tendered to the City for processing). Accordingly, the City therefore requests that if the FCC is inclined to accept these assertions at their face, that specificity be demanded from the complainant as to the substance of the statements.

Third, and most importantly, the City has a history of careful consideration, and in fact approval, of telecommunications facilities from multiple providers, including in the past several years, which again directly contradicts the statements in PCIA's filing. Two recent examples of City approvals are: (i) June 24, 2008 and December 8, 2009 approvals of Verizon Wireless telecommunications facilities at 11166 Fairfax Boulevard, and (ii) July 8, 2008 approval of Cingular Wireless PCS, LLC at 10400 Eaton Place. Even when applications are denied, such as the recent July 27, 2010 application by T-Mobile Northeast LLC for a facility on Pickett Road, the reasons for denial are rationally based and grounded in applicable law. Video from the public hearings relating to each of the above matters, together with staff reports, are available online at the City's website: www.fairfaxva.gov.

In conclusion, it is the City's position that the assertions in PCIA's comments regarding the City are without factual basis and that they mischaracterize the City's approval process, which is fair and equitable to all parties involved and allows for the enhancement of effective broadband capability throughout the City (and adjoining areas). The City's processes are in compliance with applicable federal, state and local rules and regulations, and the City respectfully maintains that no action in this area is required. The City further applauds the many reply comments that have already been submitted by other municipalities and entities in opposition to PCIA's comments.

I thank you for consideration of the City's reply comments regarding this matter. If you have any questions, please contact me on (703) 385-7850, or by email at robert.sisson@fairfaxva.gov.

Sincerely,



Robert L. Sisson
City Manager